

REMARKS

Applicants appreciate the personal interview extended by the examiner, James Pasterczyk, to the undersigned on October 13, 2004. A substance of the interview is found on the applicant's copy of the Interview Summary Record, which specifically notes "it is not necessary for applicant to provide a separate record of the substance of the interview."

However, as can be seen from the examiner's comments on the Interview Summary, "the examiner stated that a showing under Rule 132 that order of steps or reagents used is critical to claim process would be strongest evidence of unobviousness.

Applicant presents the Rule 132 Declaration of Mr. Shin-Ichi Kumomoto, a co-inventor who conducted experiments in connection with a comparison of the present invention which each of the cited references [Matsuura I (U.S. Patent 4,822,763) and Matsuura II (U.S. Patent 4,617,284)].

As set forth in the Kumomoto Declaration, especially in graphic form Fig. A, at page 4 and in the conclusion set forth in paragraph 3 on page 3, the Declarant states that "Fig. A attached shows a relation between SCB and CSX obtained in all examples 1 to 16 of the present invention, all comparative examples 1 to 4 thereof, and the above experiments 1 and 2.

As noted previously in the Declaration, in paragraph 2, the experiments compare the examples of Matsuura I in experiment 1 and the example of Matsuura II in experiment 2 on pages 2-3 of the Declaration.

Again, turning to the conclusion, paragraph 3 of the Declaration, the Declarant continues "it is easily recognized from Fig. A that CSX obtained in each of the above experiments 1 and 2 is higher than that obtained in the present invention; namely, the amount of a low molecular weight compound contained in the polymer obtained in each of the above experiments 1 and 2

[corresponding to the Matsuura I and II references, respectively] is larger than that obtained in the present invention. As set forth in the original specification under “Summary of the Invention,” page 3, lines 15-24, “another object of the present invention is to provide a solid catalyst component for olefin polymerization . . . which is superior in powder properties and that possesses a low content of lower molecular weight components.”

Applicants also contained in their original disclosure the use of the acronym “CSX” to denote the content of lower molecular weight components; See, for example, page 29, paragraph (4).

Accordingly, as previously argued in the response filed April 28, 2004, at pages 8-9 and as set forth in the Figs. A, B and C attached to such response, applicants have demonstrated that the presently claimed series of steps, produces an unexpected property, i.e., an unexpected diminution in the amount of undesirable low molecular weight components (CSX), as compared to the examples of the present application. Therefore, as discussed in the personal interview, the attached Rule 132 Declaration in the form of verified showings comparing the prior art to the claimed invention, supports applicants’ argument that the formation of a trivalent titanium atom-containing solid product is an essential component of the present invention and is produced as a result of the steps recited in applicants’ claims and not achieved by Matsuura I. Neither Matsuura II or Sasaki et al teach the formation of a trivalent titanium atom-containing solid product and, thus, even if Matsuura I was combined with Matsuura II or Sasaki alone; or further in view of Matsuura II and Sasaki, such combinations would not establish a *prima facie* case of obviousness for the claimed invention. Accordingly, withdrawal of the rejections is respectfully requested.

Applicants are cognizant of the examiner’s suggestion to amend claim 30 to make the “organic acid esthers and ethers either singular or plural, not mixed as it is now.” Accordingly, the

foregoing amendment merely adopts the examiner's suggestion by making it singular, does not raise the issue of new matter and could not have been early presented as it was presented only in response to the examiner's comments in paragraph 2 of the preceding Office Action.

For the foregoing reasons, applicants respectfully submit that the application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,



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